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CRIMINAL PROCEDURE

SUPPLEMENTARY CASEBOOK

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CRIMINAL PROCEDURE
UNIVERSITY OF TORONTO
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SYLLABUS

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REQUIRED READING MATERIAL:

(i) Tremeear's 2007 *Criminal Code* (or any other current *Criminal Code*)

(ii) Delisle & Stuart, Learning Canadian Criminal Procedure, 8th Ed. 2005, Carswell

(iii) Code, Supplementary Casebook, Winter 2007

I. JURISDICTION

(i) Courts and Classification of Offences

Criminal Code, ss.468-473 and s.785

Delisle & Stuart: pp.1-7

Code Supplement:
- Mewett, Introduction to the Criminal Process 1

(ii) Time Limitations: Trial within a reasonable time

Criminal Code, s.786

Charter, s.11(b) and s.7

Delisle & Stuart: pp.8-9 and 726-759

Code Supplement:
- *Smith v. The Queen* (1989), 73 C.R. (3d) 1 (S.C.C.) 7
- *Askov et al. v. The Queen* (1990), 59 C.C.C. (3d) 449 (S.C.C.) 16
- *Collins and Pelfrey v. The Queen* (1995), 99 C.C.C. (3d) 385 (S.C.C.) 41

(iii) Territorial jurisdiction

Criminal Code, ss.6 and 7; 470, 476 and 478; 504, 543 and 537(1)(a)

Delisle & Stuart, pp. 10-25

Code Supplement:

- *R.v. McMorris and Francis* (1971), 4 C.C.C. (2d) 268 (Ont.Dist.Ct.) 47
- *R. v. Liesmer; R. v. MacDougall*, April 19, 1990 (Ont.Prov. Ct.) 49

(iv) Jurisdiction over the person and offence, loss of jurisdiction

Criminal Code, ss.485 and 485.1; 537(1) j & k, 544, 475 and 650, 650(1.1), 650(1.2) and 650.01

Charter, s.7 and s.14

- *Doyle v. The Queen* (1976), 29 C.C.C. (2d) 177 (S.C.C.) 75
- *R. v. Krannenburg* (1980), 51 C.C.C. (2d) 205 (S.C.C.) 82
- *R.v. Thompson* (1980), 51 C.C.C. (2d) 212 (S.C.C.) 86
- *Barrow v. The Queen* (1987), 38 C.C.C. (3d) 193 (S.C.C.) 87
- *Cote & Vezina v. The Queen* (1986), 23 C.C.C. (3d) 481 (S.C.C.) 105
- *R. v. Cloutier* (1988), 43 C.C.C. (3d) 35 (Ont.C.A.) 117
- *Sullivan v. The Queen* (1986), 27 C.R.R. 1 (Ct.Mar.App.Ct.) 127
- *Tran v. The Queen* (1994), 92 C.C.C. (3d) 218 (S.C.C.) 137
- *Phillips & Parry v. The Queen* (1997) 113 C.C.C. (3d) 481 (S.C.C.) 146

(v) Change of Venue

Criminal Code, s.599

Delisle & Stuart: pp. 813-818

Code Supplement:

- *R. v. Talbot* (1977), 38 C.C.C. (2d) 555 (Ont.H.C.J.) 151

II. SEARCH AND SEIZURE

Criminal Code, s.117.02, s.487, s.487.1, s.487.11, s.489

Charter, s.8

Delisle & Stuart, pp. 29-37, 128-132, 37-47 and 101-113

Code Supplement:

- *Re Zevallos and The Queen* (1987), 37 C.C.C. (3d) 79 (Ont.C.A.) 155
- *Collins v. The Queen* (1987), 33 C.C.C. (3d) 1 (S.C.C.) 160
- *Re Den Hoy Gin* (1965), 47 C.R. 89 (Ont.C.A.) 172
- *R. v. Sismey* (1990), 55 C.C.C. (3d) 281 (B.C.C.A.) 174
- *Bisson et al v. A.G. Canada* (1994), 94 C.C.C. (3d) 94 (S.C.C.) 177
- *R. v. Araujo* (2001), 157 C.C.C. (3d) 21 (S.C.C.) 179
- *Descoteaux et al v. Mierzwinski and A-G of Quebec. et al* (1983), 194 70 C.C.C. (2d) 385 (S.C.C.) 194
- *Baron v. The Queen* (1993), 18 C.R. (4th) 374 (S.C.C.) 211

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- *Stillman v. The Queen* (1997), 113 C.C.C. (3d) 321 (S.C.C.) 291
- *Caslake v. The Queen* (1998), 121 C.C.C. (3d) 97 (S.C.C.) 306
- *R. v. Golden* (2001), 159 C.C.C.(3d) 449 (S.C.C.) 315

III. ARREST, COMPELLING APPEARANCES OF ACCUSED AND CHARGING THE ACCUSED

Criminal Code, ss.493-514, Ss.30-31, s.528

Charter, s.9

Delisle & Stuart: pp. 187-216, 236-240 and 253-261

Code Supplement:

- *Ladouceur v. The Queen* (1990), 56 C.C.C. (3d) 22 (S.C.C.) 343
- *R. v. Mellenthin* (1992) 76 C.C.C. (3d) 481 (S.C.C.) 356
- *R. v. Mann*, 2004 S.C.C. 52 363
- *R. v. Feeney* (1997), 115 C.C.C. (3d) 129 (S.C.C.) 378
- *R. v. Godoy* (1998), 21 C.R. (5th) 205 (S.C.C.) 396

IV. JUDICIAL INTERIM RELEASE

Criminal Code, ss.515-526, s.145, Ss.766-7, Ss.679-680, s.683(5) and s.261

Delisle & Stuart: pp. 561-592

Code Supplement:

- *R. v. Buxbaum* (1989), 70 C.R. (3d) 20 (Ont.C.A.) 403

V. ELECTIONS, PRELIMINARY INQUIRY AND DISCLOSURE

Criminal Code, ss.535-572 (Parts 18 and 19); Ss.603-5, s.625.1, s.645(5) and s.650(3)

Charter, ss.7 and 11(d)

Delisle & Stuart: pp. 649-671

Code Supplement:

- *R.v. Stewart* (1988), 44 C.C.C. (3d) 109 (Ont.C.A.) 407
- *R. v. Panzevecchia* (1997), 115 C.C.C. (3d) 476 (Ont.C.A.) 410
- *R. v. Hoffman*, September 15, 1992 (Ont.C.A.) 413
- *Re Cover and The Queen* (1988), 44 C.C.C. (3d) 34 (Ont.H.J.C.) 420

- *R. v. Al-Amoud* (1992), 10 O.R. (3d) 676 (Ont.Ct.Gen.Div.) 422
- *Stinchcombe v. The Queen* (1992), 68 C.C.C. (3d) 1 (S.C.C.) 426
- *R. v. Douglas* (1991), 5 O.R. (3d) 29 (Ont.C.A.); aff'd 12 O.R. (3d) 800 (S.C.C.) 436
- *Carosella v. The Queen* (1997), 112 C.C.C. (3d) 289 (S.C.C.) 440
- *USA v. Ferras & Latty* (2006), 209 C.C.C. (3d) 353 (S.C.C.) 455

VI. FORM OF THE INDICTMENT, JOINDER AND SEVERANCE

Criminal Code, ss.574-601

Delisle & Stuart; pp. 760-770 and 777-808

Code Supplement:

- *Cote & Vezina v. The Queen, supra* 105
- *R. v. Saunders, sub. nom. Rooke & Devries* (1990), 56 C.C.C. (3d) 220 (S.C.C.) 471
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VII. PLEAS AND VERDICTS

Criminal Code, ss.606-614 and 660-662

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Code Supplement:

- *Grdic v. The Queen* (1985), 19 C.C.C. (3d) 289 (S.C.C.) 492
- *R. v. Moore* (1988), 41 C.C.C. (3d) 481 (S.C.C.) 501

VIII. TRIAL BY JURY

Criminal Code, ss.626-655

Charter, s.11(f)

Delisle & Stuart, pp. 819-943

IX. ROLES OF DEFENCE COUNSEL AND PROSECUTOR

Delisle & Stuart: pp. 501-559

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